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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS
TO USE WATER IN THE GILA
RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-1839

ORDER TO INITIATE CONTESTED CASE

CONTESTED CASE NAME: *In re Dana Leluan and Connie Pweeine*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **March 17, 2022** at **2:20 p.m.**
NUMBER OF PAGES: 14
DATE OF FILING: January 25, 2022

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land the Cochise County Assessor identified as owned by Cody and Alexandria Malboeuf. This contested case is one of the many cases in the Arizona General Stream Adjudication for the San Pedro River Watershed to determine legal rights to water. Other cases in which claims have been made for legal rights to water in the San Pedro River Watershed

1 have been completed, are in the process of determining water rights, or are awaiting initiation.
2 The purpose of the General Adjudication is to determine the rights of those persons who filed
3 Statements of Claimant for rights to use appropriable water in Arizona. The General
4 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,
5 Agua Fria, and Upper Santa Cruz watersheds.

6 In this case, Bernard Kerley Jr. (“Claimant”) filed Statement of Claimant (“SOC”) 39-
7 6442 on July 2, 1980 for rights to water on land in Section 3 Township 17S Range 20E. The
8 Arizona Department of Water Resources (“ADWR”) investigated the claim, which it
9 characterized as a claim for irrigation use, and prepared a report known as Watershed File Report
10 No. 112-17-BA-083 (“WFR”) published in the Final San Pedro River Watershed Hydrographic
11 Survey Report (1991). A copy of the WFR is attached as Attachment A.

12 The SOC claims water supplied by a well located NENWNW Section 3 T17S R20E for
13 300 acre-feet annually of water for irrigation use with a priority date of June 1980. The WFR
14 found no irrigation use on the land described in the WFR. After ADWR issued the WFR,
15 objections were filed to the findings made in the WFR. The purpose of this case is to consider
16 the claims made for water rights that are the subject of the WFR and resolve the objections to the
17 WFR. The public records of ADWR do not show an assignment of the SOC to successor
18 landowners.

19 20 **Claimant & Landowners**

21
22 The WFR identified one SOC relevant to the potential water right: 39-6442. Bernard
23 Kerley Jr. filed the SOC claiming water for irrigation use. The WFR lists Dana Leluan and
24 Connie Pweeine as the owners of the property described as located in Section 3 Township 17S
25 Range 20E. The records of the Cochise County Recorder indicate that Dana Leluan conveyed
26 the property to Julie Ann Seibert on August 14, 1992 by quit claim deed, recorded as document
27 no. 1992-19377. On May 26, 1995, Julie Ann Seibert conveyed the property to Daniel G. Hartke
28

1 by quit claim deed, recorded as document no. 1995-13105. On July 26, 2019, Daniel G. Hartke
2 conveyed the property to Alexandria M. and Cody D. Malboeuf by warranty deed, recorded as
3 document no. 2019-14206. The public records of the Cochise County Assessor list the property
4 as tax parcel no. 123-07-022E. A copy of the map prepared by the Cochise County Assessor
5 showing tax parcel no. 123-07-022E is included as Attachment B.

6
7 **IT IS ORDERED:**

8 1. Contested Case. This contested case shall be known as *In re Dana Leluan and*
9 *Connie Pweeine* and it will determine appropriable water rights asserted in the Statement of
10 Claimant and objections that were filed to Watershed File Report 112-17-BA-083 published in
11 the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections
12 can be found under the case name and number on the following website:

13 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
14 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

15 2. Litigants. The litigants in this contested case are the Claimant, the current
16 landowners, all persons who filed objections to the WFR, and parties who are allowed to
17 intervene by order.

18 3. Court-Approved Mailing List.

19 A. The initial Court-approved mailing list for this case shall include all
20 persons listed on Attachment C to this order. The list may be modified
21 only by filing a motion with the Special Master to amend the Court-
22 approved mailing list. Litigants are responsible for using the current
23 Court-approved mailing list.
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1 B. A copy of any pleading filed with the Clerk of the Maricopa County
2 Superior Court in this case shall be served upon each person listed on the
3 Court-approved mailing list.

4 C. Claimants wishing to be added or removed from the mailing list shall file
5 a motion with the Special Master. Parties allowed to intervene will be
6 automatically added to the Court-approved mailing list.


7
8 D. The Clerk of the Court will send copies of all minute entries and orders
9 issued in this case to the parties listed on the Court-approved mailing list.
10 Upon request, the Clerk of the Court will provide copies by email. Parties
11 may request emailed copies of minute entries and orders by completing
12 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
13 CASE DOCUMENTS, which is attached as Attachment D.
14

15 4. Status Conference. An initial status conference shall be held to determine
16 whether the current landowners, Cody D. and Alexandria M. Malboeuf, intend to pursue claims
17 for rights to appropriable water for irrigation use. If no person claiming a water right appears at
18 the Status Conference, then Statement of Claimant 39-6442 and this case will be dismissed, and
19 no further action will be taken with respect to the WFR or the objections filed to the WFR.
20

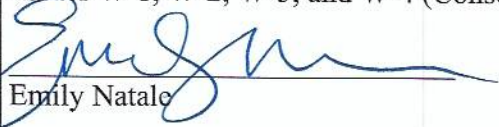
21 The Status Conference shall be held on **March 17, 2022 at 2:20 p.m.** The Status
22 Conference shall be held using the Court Connect program. Instructions for Court Connect are
23 attached as Attachment E. If you receive this Order by email, click on the red box “Join Court
24 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
25 Order by email, log into the Court Connect program on the internet by typing
26 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
27 telephonically using the telephone number and access code included in the instructions for Court
28

1 Connect. The Status Conference may also be attended telephonically using the following
2 instructions:

3 Dial: 602-506-9695 (local)
4 1-855-506-9695 (toll free long distance)
5 Dial Collaboration (conference) Code 357264#

6
7 
8 SUSAN WARD HARRIS
9 Special Master

10 On January 25, 2022, the original of the foregoing was
11 delivered to the Clerk of the Maricopa County Superior
12 Court for filing and distributing a copy to all persons
13 listed on the Court-approved mailing list for this contested
14 case, a copy of which is attached hereto as Attachment C,
15 and to all persons listed on the Court-approved mailing
16 list for W-1, W-2, W-3, and W-4 (Consolidated).

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Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
LELUAN, DANA	112-17-BA-083
% CONNIE PWEEINE	

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *WI-11-1839*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0006442		IRRIGATION	3.00	03	170S	200E	1980	NENWNW03	170S	200E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0006442	IRRIGATION	NONE		

P W R S U M M A R Y

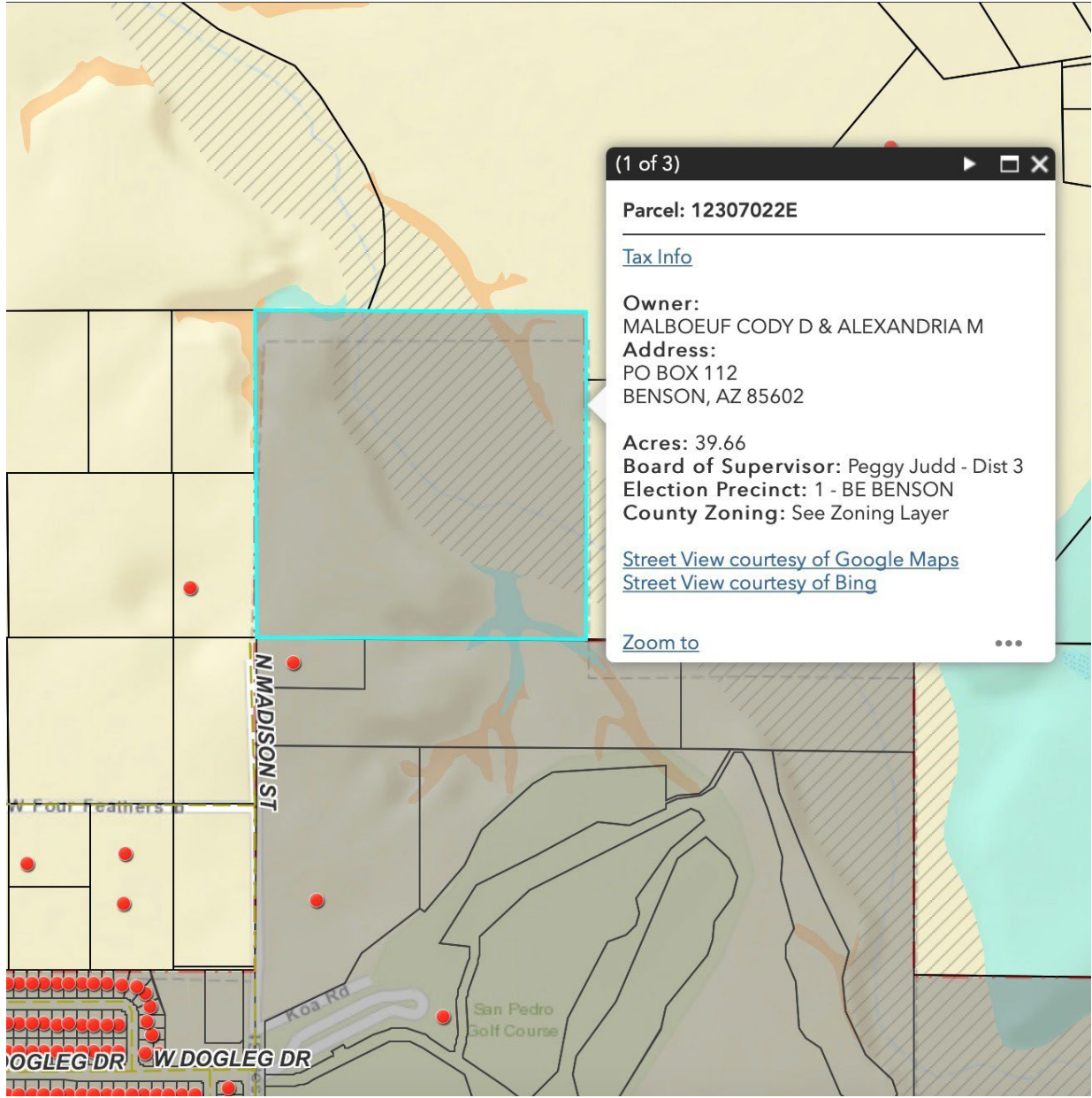
PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0006442	NONE			

E X P L A N A T I O N

FILINGS AND DECREES
 FILING 39-6442 - CLAIMS AN IRRIGATION USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

ATTACHMENT B

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ATTACHMENT C

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Arizona Department of Water Resources
Kimberly Parks
P. O. Box 36020
Phoenix, AZ 85067

Bernard Kerley Jr.
Santo Tomas, Route Box 60
Sahuarita, AZ 85629

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85005

Cody and Alexandria Malboeuf
P.O. Box 112
Benson, AZ 85602

Gila River Indian Community
Linus Everling and Thomas L. Murphy
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

San Carlos Apache Tribe
Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

Tonto Apache Tribe
Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

Yavapai Apache Nation
S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
3301 E. Thunderbird Road
Phoenix, AZ 85032

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ATTACHMENT D

**CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA**

Jeff Fine
Clerk

**MARICOPA COUNTY
Customer Service Center
601 West Jackson
Phoenix, AZ 85003**

602 372-4115
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to Mayra.Antelo@Maricopa.Gov.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

Thank you,

Mayra Antelo
Clerk of the Superior Court
Water Case Specialist
(602) 372-5375 options 7,1,3,4

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ATTACHMENT E



Court Connect Hearing Notice for In re Dana Leluan & Connie Pweeine

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Dana Leluan and Connie Pweeine, Contested Case No. W1-11-1839

Start Date/Time: March 17, 2022 at 2:20 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

